

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS & INTERFERENCES**

Applicant:	ZHAO ET AL.)	
)	Examiner K. Ferguson
Appl. No.	09/785,960)	
)	Art Unit 2683
Confirm. No.	2853)	
)	Atty. Docket No. CS90038
Filed:	16 February 2001)	
Title:	"GPS Assistance Messages in Cellular Communications Networks And Methods Therefor"		

REPLY BRIEF UNDER 37 CFR 41.39

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Arguments

Answer Summary

In the Answer mailed on 2 July 2007, the Examiner asserts that Claim 16 is drawn to non-statutory subject matter, despite reciting that the "...data issue identifier stored on a computer-readable medium...", on the grounds that the body of the claims does not recite the computer readable medium.

Discussion

Contrary to the Examiner's assertion, the recitation of a computer readable medium in the preamble must be given patentable weight relative to the limitations in the claims body. Particularly, the preamble of independent Claim 16 recites a "...satellite positioning system ephemeris data issue identifier stored on a computer-readable medium...." Thus the claimed "data issue identifier" is stored on the computer readable medium. The transition phrase recites the "... satellite positioning system ephemeris data issue identifier comprising...." Thus the claim body specifies constituent elements of the "data issue identifier". Particularly, the claim body recites a "first field with satellite identifier data" and a "second field with an ephemeris sequence number". Since the "first field with satellite identifier data" and the "second field with an ephemeris sequence number" are part of the "data issue identifier", and since the "data issue identifier" is stored on the computer readable medium, the "first field with satellite identifier data" and the "second field with an ephemeris sequence number" must also be stored on the computer readable medium. A rudimentary claim construction analysis could provide no other result. If the "data issue identifier" is stored on the computer readable medium, the constituent elements of the "data issue identifier" must also be stored on the computer readable medium. For these reasons, Claim 16 is believed to be statutory under 35 USC 101. Kindly withdraw the rejection.

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Art Unit 2682

Prayer for Relief

Kindly reverse and vacate the rejections of claims, in view of the discussion above, with instructions for the Examiner to allow said Claims to issue in a United States Patent without further delay and provide other relief warranted.

Respectfully submitted,

/ ROLAND K. BOWLER II /

ROLAND K. BOWLER II 30 AUG. 2007
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